

STATE PUBLIC DEFENDER[493]

Adopted and Filed

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender amends Chapter 11, "Attorney Fee Contracts," and Chapter 12, "Claims for Indigent Defense Services," Iowa Administrative Code.

These amendments implement 2009 Iowa Acts, Senate File 475, which revises the procedure for appointment of court-appointed attorneys and submission of fee claims from the attorneys.

Notice of Intended Action to solicit public comment on these amendments was published in the September 9, 2009, Iowa Administrative Bulletin as **ARC 8091B**. These amendments were simultaneously Adopted and Filed Emergency as **ARC 8090B**.

A public hearing was held and no comments were received, either at the public hearing or in writing. These amendments are identical to those published under Notice of Intended Action and Adopted and Filed Emergency.

These amendments are intended to implement Iowa Code chapter 13B as amended by 2009 Iowa Acts, Senate File 475.

These amendments will become effective January 20, 2010, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

The following amendments are adopted.

ITEM 1. Amend subrule 11.5(4) as follows:

11.5(4) ~~Once~~ After a contract has been awarded, the state public defender shall notify the clerks of court of the counties in which the contracting attorney has ~~agreed to provide services~~ requested placement on the list of attorneys willing to provide services in those counties.

ITEM 2. Amend subrule 12.2(9) as follows:

12.2(9) Claims for compensation ~~that do~~ from attorneys whose appointment as counsel or guardian ad litem at the appellate level does not comply with Iowa Code section 814.11 ~~or 815.10(5)~~ will be denied.

ITEM 3. Renumber subrules **12.2(10)** to **12.2(13)** as **12.2(11)** to **12.2(14)**.

ITEM 4. Adopt the following new subrule 12.2(10):

12.2(10) Claims for compensation from attorneys whose appointment as counsel or guardian ad litem at the trial level was entered on or after July 1, 2009, and received by the state public defender on or after September 15, 2009, will be denied if the appointment does not comply with Iowa Code section 815.10.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/16/09.